



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Small & Huang

Serial No.: 09/936,954

Filed: 3/16/1999

Title: Rapid Diagnostic Method for  
Distinguishing Allergies and  
Infections

Attorney Docket No.: UF-156IA

Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: 1645

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:  
 Statement under 37 CFR 1.97(e), or  
 a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:  
 Statement under 37 CFR 1.97(e), and  
 a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. Applicant(s) also submit herewith a copy of Form PTO 1449-Information Disclosure Citation, filed in parent application, Serial No: 08/576,604. Under the provisions of 37 C.F.R. 1.98(d), since all references cited therein have

been provided in parent application, Serial No: 08/576,604, copies of cited references are not provided herewith. It is believed that the submission complies with the requirements of 37 C.F.R. 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 6-13-02

Typed Name: Timothy H. Van Dyke

Signature: 

Respectfully submitted,



\_\_\_\_\_  
Timothy H. Van Dyke  
Attorney/Agent for Applicant(s)  
Reg. No. 43218

Date: 6-13-02

Customer No: 29847  
Van Dyke & Associates, P.A.  
1630 Hillcrest Street  
Orlando, FL 32803  
Phone: 407-228-0328; Fax: 407-228-0329



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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**Substitute for form 1449A/PTO**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 2

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	09/936,954
				Filing Date	3/16/1999
				First Named Inventor	Small
				Art Unit	1645
				Examiner Name	Unknown
Sheet	1	of	2	Attorney Docket Number	UF1561A

U.S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

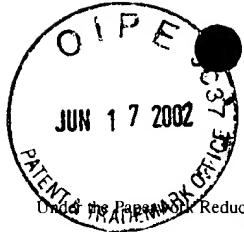
FOREIGN PATENT DOCUMENTS					
Examiner/ Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)			
		WO 0055359A	09-21-2000	University of Florida	
		FR 2784023A	04-07-2000	Michel Gleizes	
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/08B (10-01)

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Substitute for form 1449B/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Application Number</b>	09/936,954
				<b>Filing Date</b>	3/16/1999
				<b>First Named Inventor</b>	Small
				<b>Group Art Unit</b>	1645
				<b>Examiner Name</b>	Unknown
Sheet	2		2	<b>Attorney Docket Number</b>	UF1561A

#### **OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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COPY

Patent Application  
Docket No. UF156  
Serial No. 08/576,604

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks,  
Washington, D.C. 20231 on March 29, 1996

Gerard H. Bencen  
Gerard H. Bencen, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1208

Applicants : Parker A. Small, Jr., Shih-Wen Huang

Serial No. : 08/576,604

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Filed : December 21, 1995

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For : Rapid Diagnostic Method for Distinguishing Allergies and Infections

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§1.97 AND 1.98

Sir:

In accordance with 37 CFR §1.56, the references listed on the attached form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,

Gerard H. Bencen

Patent Attorney

Registration No. 35,746

Phone No.: 904-375-8100

Address : 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

GHB/srp  
Enclosures



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UF156SERIAL NO.  
08/576,604

## INFORMATION DISCLOSURE STATEMENT

(Continued on back sheets if necessary)

APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

FILING DATE  
December 21, 1995GROUP  
1208

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3	4	3	8	7	3	7	4/15/69	Atkinson et al.			
	AB	4	3	0	1	1	1	5	11/17/81	Rapkin et al.			
	AC	4	6	3	7	9	7	9	1/20/87	Skjold et al.			
	AD	4	6	4	5	8	4	2	2/24/87	Corey			
	AE	4	6	5	7	8	5	5	4/14/87	Corey et al.			
	AF	4	7	0	4	4	6	0	11/3/87	Corey			
	AG	4	7	5	8	5	0	8	7/19/88	Schnabel et al.			
	AH	3	3	5	9	0	7	2	12/19/67	Rey et al.			
	AI	3	4	1	8	0	7	9	12/24/68	Rey et al.			
	AJ	3	7	1	2	8	5	3	1/23/73	Rittersdorf et al.			
	AK	3	8	9	7	2	1	4	7/29/75	Lange et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
														YES	NO
	AL														
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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR		Service, R.F. (1995) "Antibiotics that Resist Resistance" Science 270:724-727.
AS		Wang, D. et al. (1995) "Correlations between Complaints, Inflammatory Cells and Mediator Concentrations in Nasal Secretions after Nasal Allergen Challenge and during Natural Allergen Exposure" Int. Arch. Allergy Immunol. 106:278-285.
AT		Sigurs, N. et al. (1994) "Eosinophil cationic protein in nasal secretion and in serum and myeloperoxidase in serum in respiratory syncytial virus bronchiolitis: relation to asthma and atopy" Acta. Paediatr. 83:1151-1155.

EXAMINER		DATE CONSIDERED

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SERIAL NO.  
08/576,604INFORMATION DISCLOSURE STATEMENT  
*(Use several sheets if necessary)*APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang  
FILING DATE December 21, 1995 GROUP 1208

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	AB	4	0	1	3	4	1	6	3/22/77	Rittersdorf et al.			
	AC	4	3	8	5	1	1	4	5/24/83	Güthlein et al.			
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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Okuda, M. et al. (1994) "A Novel Method of Counting Eosinophils in Nasal Secretion of Allergic Rhinitis by Hemocytometric Method" Int. Arch. Allergy Immunol. 104:6-8.
	Grzegorezyk, K.M.L. et al. (1993) "Neutrophil chemotactic activity (NCA) in nasal secretions from atopic and nonatopic subjects" Alergy 48:409-414.
AS	Igarashi, Y. et al. (1993) "Immunodeficiency and other clinical immunology: Analysis of nasal secretions during experimental rhinovirus upper respiratory infections" J. Alergy Clin. Immunol. 92:722-731.
AT	Igarashi, Y. et al. (1993) "Immunodeficiency and other clinical immunology: Analysis of nasal secretions during experimental rhinovirus upper respiratory infections" J. Alergy Clin. Immunol. 92:722-731.

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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Sperber, K. et al. (1993) "In vivo detection of a novel macrophage-derived protein involved in the regulation of nasal mucus-like glycoconjugate secretion" J. Allergy Clin. Immunol. 92:585-588.
AS	Knani, J. et al. (1992) "Indirect evidence of nasal inflammation assessed by titration of inflammatory mediators and enumeration of cells in nasal secretions of patients with chronic rhinitis" J. Allergy Clin. Immunol. 90:880-889.
AT	Klementsson, H. et al. (1991) "Eosinophils, secretory responsiveness and glucocorticoid-induced effects on the nasal mucosa during a weak pollen season" Clinical and Experimental Allergy 21:705-710.

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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Raphael, G.D. et al. (1991) "The pathophysiology of rhinitis" J. Allergy Clin. Immunol. 88:33-42.
AS	Cohen, R.A., E.P. Brestel (1988) "Nasal secretory response to allergen provocation" Clinical Allergy 18:435-443.
AT	Liu, C.-M., M. Okuda (1988) "Injurious effect of eosinophil extract on the human nasal mucosa" Rhinology 26:121-132.

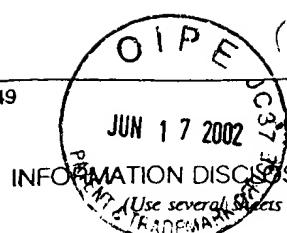
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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Andersson, M. et al. (1987) "Allergen-induced nasal hyperreactivity appears unrelated to the size of the nasal and dermal immediate allergic reaction" Allergy 42:631-637.
AS	Settipane, G.A., D.E. Klein (1985) "Non Allergic Rhinitis: Demography of Eosinophils in Nasal Smear, Blood Total Eosinophil Counts and IgE Levels" NER Allergy Proc. 6(4):363-366.
AT	Brofeldt, S. et al. (1986) "Biochemical Analysis of Nasal Secretions Induced by Methacholine, Histamine, and Allergen Provocations" Am. Rev. Respir. Dis. 133:1136-1142.

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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Eggleston, P.A. et al. (1984) "Mediators of Immediate Hypersensitivity in Nasal Secretions during Natural Colds and Rhinovirus Infection" Acta. Otolaryngol (Stockh) suppl. 413:25-35.
AS	Baumgarten, C.R. et al. (1986) "Plasma Kallikrein during Experimentally Induced Allergic Rhinitis: Role in Kinin Formation and Contribution to TAME-esterase Activity in Nasal Secretions" The Journal of Immunology 137(3):977-982.
AT	Andersson, M. et al. (1995) "Mechanisms of nasal hyper-reactivity" Eur. Arch. Otorhinolaryngol 252 (Suppl. 1):S22-S26.

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## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Florman, A.L. et al. (1987) "Rapid Noninvasive Techniques for Determining Etiology of Bronchitis and Pneumonia in Infants and Children" Clinics in Chest Medicine 8(4):669-679.
AS	Katz, R.M. et al. (1995) "A Comparison of Imaging Techniques in Patients with Chronic Sinusitis (X-ray, MRI, A-Mode Ultrasound)" Allergy Proc. 16(3):123-127.
AT	Demoly, P. et al. (1994) "Assessment of inflammation in noninfectious chronic maxillary sinusitis" J. Allergy Clin. Immunol. 94:95-108.

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